

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

LESLIE B. LAMPTON

PLAINTIFF/COUNTER-DEFENDANT

VS.

CIVIL ACTION NO. 3:09cv324-DPJ-JCS

**OLIVER E. DIAZ, JR.
AND JENNIFER DIAZ**

**DEFENDANTS/COUNTER-PLAINTIFFS/
THIRD-PARTY PLAINTIFFS**

VS.

**LESLIE LAMPTON, DUNNICA
LAMPTON, DARLENE BALLARD,
AND JOHN DOES 1-15, IN THEIR
PERSONAL AND INDIVIDUAL
CAPACITIES**

THIRD-PARTY DEFENDANTS

**SEPARATE MOTION OF DUNNICA LAMPTON,
THIRD-PARTY DEFENDANT, TO DISMISS THIRD-PARTY
CLAIM OF OLIVER E. DIAZ, JR., FOR FAILURE
TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED**

COMES NOW Dunnica Lampton, Third-Party Defendant herein, and moves to dismiss the Third-Party Claim of Oliver E. Diaz, Jr., filed against him on the ground that it does not state a claim upon which relief may be granted and therefore must be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Respectfully submitted,

/s/Dennis L. Horn

Dennis L. Horn (MSB #2645)
Attorney for Third-Party Defendant,
Dunnica Lampton

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NOTICE OF MOTION

Please take notice that the Third-Party Defendant, Dunnica Lampton, will bring on for hearing the above and foregoing Separate Motion of Dunnica Lampton, Third-Party Defendant, to Dismiss Third-Party Claim of Oliver E. Diaz, Jr. for Failure to State a Claim upon which Relief May Be Granted before the Honorable Daniel P. Jordan III, United States District Court Judge, Southern District of Mississippi, as soon as counsel may be heard.

Respectfully submitted,

/s/ Dennis L. Horn
DENNIS L. HORN

CERTIFICATE OF SERVICE

I, Dennis L. Horn, hereby certify that I have this date mailed, by United States Mail, postage prepaid, a true and correct copy of the above and foregoing Separate Motion of Dunnica Lampton, Third-Party Defendant, to Dismiss Third-Party Claim of Oliver E. Diaz, Jr., for Failure to State a Claim upon which Relief May Be Granted to the following:

Hon. Chuck McRae
P. O. Box 565
Ridgeland, MS 39158

Hon. J. Kevin Watson
P. O. Box 23546
Jackson, MS 39225

Hon. Harold Edward Pizzetta III
P. O. Box 220
Jackson, MS 39205-0220

This the 9th day of September, 2009.

/s/ Dennis L. Horn
Dennis L. Horn